

REMARKS

Claims 1, 5, 6, 10 and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,005,649 ("Smith"). Applicants respectfully traverse the rejection.

The Examiner asserts that Smith teaches a tool having two burst disk assemblies. At the outset, it is important to note that Smith is directed to a method for treating only a single zone (Col. 2, ll. 44-47). The "multiple fractures" as discussed in Smith are actually multiple fracture wings radiating from the wellbore (*i.e.*, star shaped fractures) in a single interval (Col. 3, ll. 20-24). Smith never teaches or suggests that his invention can be used to treat multiple zones. Applicants also note that rather than a tool having two "burst disk assemblies," the tool taught in Smith has but a single burst disk assembly; however, that single burst disk assembly may have multiple rupture disks. It is important to distinguish between a burst disk assembly, which is positioned in the interval to be treated and the burst disks which are located within and form a part of the burst disk assembly.

Applicants invention is a method for creating multiple fractures separately at different locations along the wellbore, rather than simply treating a single location as described in Smith. Applicants invention teaches the use of burst assemblies positioned along the length of the wellbore where each assembly contains burst disks of varying rupture pressures. This allows fluid to be directed preferentially and sequentially into different zones in the formation. This is in opposition to Smith, which simply uses the burst disks as a mechanism for storing and releasing pressure to treat a single interval.

For these reasons, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 5, 6, 10 and 11.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being obvious over Smith in view of US Patent No. 4,809,729 ("Muddiman"). Applicants respectfully traverse the rejection.

The Examiner cited Muddiman to teach a specific structure of the burst disk (*i.e.*, a membrane and perforated disks). Muddiman is directed to a pressure relief valve and does not teach, suggest or disclose that such a valve could or should be used to treat multiple intervals in an oil bearing formation. In view of the comments directed to the Smith patent, above, Muddiman

therefore does not render Applicants invention obvious.

For these reasons, Applicants respectfully request that the Examiner withdraw the rejection of claim 2.

Claims 3 , 4, 12 and 13 stand rejected under 35 U.S.C. §103(a) as being obvious over Smith in view of US Patent No. 5,890,536 (“Nierode”). Applicants respectfully traverse the rejection.

The Examiner cites Nierode to show the use of ball sealers in fracturing applications. However, Nierode does not teach, suggest or disclose that multiple burst disk assemblies could be used to treat multiple intervals in a formation. In view of the comments directed to Smith and Muddiman, Nierode does not render Applicants invention obvious.

For these reasons, Applicants respectfully request that the Examiner withdraw the rejection of claims 2, 4, 12 and 13.

Claims 7-9 stand rejected under 35 U.S.C. §103(a) as being obvious over Smith in view of Nierode and in further view of US Patent No. 5,111,881 (Soliman). Applicants respectfully traverse the rejection.

The Examiner cites Soliman to show the use of cup packers, gel packing, sand plugs and proppant plugs in fracturing operations to isolate the annulus. In view of Smith, however, such isolation mechanisms are used to isolate only a single interval being treated. As Applicants invention is directed to the treatment of multiple zones or intervals, Soliman does not render Applicants invention obvious.

For these reasons, Applicants respectfully request that the Examiner withdraw the rejection of claims 7-9.

In summary, for reasons detailed above, it is submitted that all claims now present in the application are allowable. Accordingly, allowance of all claims is submitted to be in order. Such action is respectfully requested.

The Commissioner is hereby authorized to charge or credit any fees to Deposit Account
04-1579 (56.0622).

Respectfully submitted,



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